

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JANE DOE,

Plaintiff,

vs.

SHAD KNUTSON,

Defendant.

**8:17CV97**

**ORDER**

This matter comes before the Court on Defendant's Motion for Appointment of Counsel ([Filing No. 30](#)) and Motion for Leave to Proceed in Forma Pauperis. ([Filing No. 31](#).) The motions will be denied.

"Indigent civil litigants do not have a constitutional or statutory right to appointed counsel." [Davis v. Scott, 94 F.3d 444, 447 \(8th Cir. 1996\)](#). Trial courts have "broad discretion to decide whether both the [indigent litigant] and the court will benefit from the appointment of counsel, taking into account the factual and legal complexity of the case, the presence or absence of conflicting testimony, and the [indigent litigant's] ability to investigate the facts and present his claim." [Id.](#) Having considered these factors, the Court finds that appointment of counsel is not warranted at this time.

The Court interprets Defendant's Motion for Leave to Proceed in Forma Pauperis as a mechanism by which Defendant is attempting to obtain counsel. Thus, this motion will be denied.

**IT IS ORDERED:**

1. Defendant's Motion for Appointment of Counsel ([Filing No. 30](#)) is denied.
2. Defendant's Motion for Leave to Proceed in Forma Pauperis ([Filing No. 31](#)) is denied.

Dated this 25<sup>th</sup> day of October, 2017.

BY THE COURT:

s/ Susan M. Bazis  
United States Magistrate Judge